



Paper No. 34

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OFFICE OF PETITIONS

In re Application of  
Haensler, et al.  
Application No. 08/836,576  
Filed: September 9, 1997  
Attorney Docket No. 0725.0100000

DECISION ON PETITION

This is a decision on the petition filed on March 28, 2002, pursuant to 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

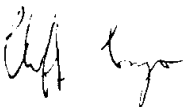
The above-identified application became abandoned for failure to timely file a proper response to the final Office action, mailed October 25, 2000, which set a shortened statutory period for reply of three (3) months. On April 24, 2001, petitioner obtained a three month extension of time and filed a Continued Prosecution Application (CPA). Petitioner's CPA was treated as a Request for Continued Examination (RCE) under 37 CFR 1.114, because an earlier CPA had been filed on or after May 29, 2000.<sup>1</sup> However, the constructive RCE could not be entered because it was not accompanied by a submission as required by 37 CFR 1.114. Accordingly, the above-identified application became abandoned on April 26, 2001. On May 4, 2001, petitioner was mailed a Notice of Improper RCE. A Notice of Abandonment was mailed on November 29, 2001.

With the instant petition, petitioner paid the petition fee and made the proper statement of unintentional delay. The required reply in the form of a submission under 37 CFR 1.114 was previously filed on June 21, 2001.

Receipt of the Revocation and Power of Attorney is acknowledged and made of record. Future correspondence concerning the above-identified application will be mailed to the above address of record.

The application file is being forwarded to Technology Center 1600 for consideration of petitioner's RCE, filed April 24, 2001, and the submission, filed June 21, 2001.

Telephone inquiries concerning this decision should be directed to the undersigned at (703)305-0272.

  
Cliff Congo  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

<sup>1</sup> The earlier CPA was filed on August 31, 2001.